

**Instructions to the Law Officers to
adhere to the provisions of Code of
Criminal Procedure, 1973 and
Rules for the Conduct of the Legal
Affairs of Government, 1984.**

**Government of Maharashtra
Law and Judiciary Department**
Government Circular No.: APP/C.R.35/2021/Desk XIV
5th Floor, Main Building,
Hutatma Rajguru Chowk, Madam Cama Road,
Mantralaya, Mumbai-400 032.
Date: 10th February, 2021.

Circular-

It is noticed that procedure prescribed in the Rules for the Conduct of the Legal Affairs of Government, 1984 is not followed scrupulously before filing proceedings in the High Court/Subordinate Courts. Further, that the due process in law is not being followed in respect of issuance of notice of hearing to the accused or his Advocate, whenever the date of hearing is postponed.

2. All the Law officers, therefore, are directed to scrupulously follow the procedure envisaged in the Rules for the Conduct of the Legal Affairs of Government, 1984, before filing appeals, etc., in the High Court or Subordinate Courts when decision is adverse to prosecution as well as to ensure that the accused or his Advocate is duly served with the notice of hearing as prescribed in the Code of Criminal Procedure, 1973 and Criminal Manual, whenever hearing of the matter is postponed.

3. All the Law Officers to follow the above directions scrupulously, failing which, action in law shall be initiated.

This Government Circular of Maharashtra Government is available at the website www.maharashtra.gov.in. Reference no. for this is 202102161702418112. This Circular has been signed digitally.

By order and in the name of the Governor of Maharashtra.

(P.A. Kumbhojkar)
Deputy Legal Advisor-cum-Deputy Secretary
Law and Judiciary Department
Government of Maharashtra

Copy forwarded to:

1. The Public Prosecutor, High Court of Bombay and Benches at Nagpur, Aurangabad, with a request to circulate the instructions to all the AGPs/APPs.

2. All the Public Prosecutors / District Government Pleaders, (All Districts), with a request to circulate the instructions to all the AGPs/APPs.
3. 'A' Branch, Law and Judiciary Department, Mantralaya, Mumbai.
4. Joint Secretary, Law and Judiciary Department, Nagpur /Aurangabad.